

**TOWN OF FLORENCE
PLANNING AND ZONING COMMISSION
July 19, 2018
REGULAR MEETING MINUTES**

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF FLORENCE MEETING HELD ON THURSDAY, July 19, 2018, AT 6:00 P.M., IN THE TOWN COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.

1. CALL TO ORDER

Chairman Pranzo called the meeting to order at 6:03 pm

2. ROLL CALL:

Chairman Pranzo	Present
Vice-Chair Frost	Present
Commissioner Smidt	Absent
Commissioner Shoppell	Present

Council Liaison Hawkins Present

A quorum of Commissioners is present

3. PLEDGE OF ALLEGIANCE

4. DISCUSSION/APPROVAL/DISAPPROVAL of the minutes of the regular meeting conducted on June 21, 2018.

On a motion by Chairman Pranzo, seconded by Vice-Chair Frost and carried by a vote of 3-0 to disapprove the June 21, 2018 meeting minutes and to have them return at the Commission's next meeting with corrections.

5. PUBLIC HEARING

A. CASE PZ-18-21-ORD SMALL WIRELESS FACILITY TEXT AMENDMENT

PRESENTATION/DISCUSSION/RECOMMENDATION of a Text Amendment application by the Town of Florence amending the Town of Florence Code of Ordinances. Title XV Land Usage, Chapter 150 Development Code, Section 150.031 Definitions, and Part 9 Wireless Communications Facilities Sections 150.180 to 150.184. (Ordinance No. 662-18)

Planning Consultant Burkhardt gave a PowerPoint presentation summarizing HB 2365 legislation and the statutory requirements of Towns to allow Small Wireless Facilities on

town-owned structures located within rights of way. Mr. Burkhardt explained the public outreach to Town stakeholders, the Town Attorney, and citizens through the Florence newspaper, social media, and a public meeting. Stakeholders offered corrected drafts of the amendments and there was limited input from the neighborhood meeting.

Mr. Burkhardt noted the legislation bars exclusive lease agreements and facilities beyond the 50 ft. height or having a volume greater than prescribed by the statute. Mr. Burkhardt stated that over the last three years, five applications for small cell wireless antennas were administratively approved, but none of the facilities were erected and the approvals are now expired.

Mr. Burkhardt explained the two different types of antennas that could be placed in the Historic Downtown: the cannister configuration and the screen directional antenna. Mr. Burkhardt showed images of the two types of antennas and described how they could conform with Downtown character and aesthetics. He stated that providers would most likely consider street light or traffic light cannisters if any proposals were to be made in the future.

Mr. Burkhardt provided a third option known as the strand-mounted antenna that attaches to overhead lines.

Mr. Burkhardt concluded the presentation by stating that the Terms and Conditions and the amendments to the Town Code, Land Development Code, and the zoning ordinance are all meant to facilitate the new legislation.

Vice-Chair Frost asked whether the setbacks from the poles, in Exhibit B Subsection C, are sufficient in terms of safety. Mr. Burkhardt responded that the original intent was for the pole to fall on the property or not beyond the property, and if a request came in from a private property owner, then a review of the setbacks would take place.

Vice-Chair Frost went over sections 1.3, 1.13.2, 1.18.2, 4.9, 4.17, Part 10, 11.1.1, 13.1.1, 13.5, and 13.6 in the Terms of Conditions. He asked for defined terms to be capitalized and if any single telecommunication poles were in the public right of way. Mr. Burkhardt stated he would include the edits and investigate single telecommunication towers in the right of way. Vice-Chair Frost inquired regarding the metering system for Small Cell Wireless Facilities on street lights, the required volume for antennas, the ability to receive records at the Town's request, the definition of who is part of the indemnification party, and the addition of the full titles Terms and Conditions and Small Cell Wireless.

Chairman Pranzo asked about Development Services' title as a Department. He wants to know if Development Services is an administratively approved Department. Planning Manager Harmer said he would investigate the question. Mr. Burkhardt recommended an amendment that requires a reference to Development Services if the title changes.

Chairman Pranzo opened the floor up to comments specific to the Small Wireless facilities. Tom Molton, who lives at 5422 W. Victory Way in Merrill Ranch, spoke about

his concerns over health effects. He stated that if there are no health concerns now but there were later, then it is more difficult to remove Small Cell Wireless Facilities.

Mr. Burkhardt responded that there is no conclusive evidence that Small Cell Wireless Facilities are related to any health concerns. He said denying such a proposal with no conclusive evidence would compromise the Town's ability to hold the decision in court.

Chairman Pranzo stated that the Small Cell Wireless Facility amendment was not a choice because the Federal and State governments mandated that small cell wireless companies had the right to place the poles in the right of way. The Town of Florence must be careful about location, aesthetics, and the structural integrity of the poles.

On a motion by Chairman Pranzo, seconded by Vice-Chair Frost and carried by a vote of 3-0 to forward a favorable recommendation of Case PZ-18-21-ORD, Ordinance No. 662-18, as amended, to the Town Council.

B. CASE PZ-18-21-ORD SMALL WIRELESS FACILITY TEXT AMENDMENT
PRESENTATION/DISCUSSION/RECOMMENDATION of a Text Amendment application by the Town of Florence amending the Town of Florence Code of Ordinances, Title XI Business Regulation, to insert Subsection 120 Small Wireless Facilities. (Ordinance No. 663-18)

Chairman Pranzo opened the floor to public comment. Alyssa Molton of 5422 W. Victory Way in Florence, AZ came forward to ask the purpose of the Small Cell Wireless Facilities. Chairman Pranzo explained that these Small Cell Wireless Facilities boost cell phone reception and increase cellular speed. Mrs. Morton asked if these poles will be placed in the near homes and what kind of power they used. Chairman Pranzo responded that the small cell wireless ran on electricity and used a different form of energy than normal AM/FM radio waves.

Mr. Burkhardt explained that the small cell wireless facilities use a certain bandwidth of radio frequency as required by the Federal Communications Commission (FCC). The purpose of the legislation was to get in front of 5th Generation (5G) technology. The industry has decided that these smaller facilities will bring faster service to places with a high demand. Mr. Burkhardt explained the antennas go to key intersections and locations such as schools where signal is in greater demand. Mrs. Molton asked who paid for the construction of the cell towers. Mr. Burkhardt stated that the developers pay for all costs related to the infrastructure.

On a motion by Vice-Chair Frost, seconded by Commissioner Shoppell and carried by a vote of 3-0 to forward a favorable recommendation of Case PZ-18-22-ORD, Ordinance No. 663-18, as amended, to the Town Council.

C. NEW BUSINESS

A. PRESENTATION/DISCUSSION/RECOMMENDATION of the proposed Terms and Conditions for Small Wireless Facilities in Town Rights of Way.

On a motion by Vice-Chair Frost, seconded by Commissioner Shoppell and carried by a vote of 3-0 to forward a favorable recommendation of Case PZ-18-22-ORD, Ordinance No. 663-18, as amended, to the Town Council.

D. PRESENTATIONS

A. FUTURE AGENDA ITEMS/INFORMATION ONLY

Mr. Harmer discussed a possible joint work session with the Parks and Recreation Advisory Board on August 2, 2018, regarding the first draft of the Pedestrian Trails and Bicycle Master Plan. The Chairman and the other Commissioners agreed to a meeting at 5:30 PM.

Mr. Harmer stated that four expired plats are being brought forward for re-approval by the commission.

Mr. Harmer explained that a work session on the parking code will take place and the sign code is under edit. Both will be brought forward for public hearings and recommendations.


Mr. Harmer mentioned other code amendments are underway for introduction. Vice-Chair Frost informed Mr. Harmer that he will be out of town on the 20th of September. Chairman Pranzo responded that he may be unavailable as well due to possible the council election.

E. CALL TO THE PUBLIC/COMMISSION RESPONSE


Call to the Public for public comment on issues within the jurisdiction of the Planning and Zoning Commission. Individual Commission members may respond to criticisms made, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Commission shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.

A. ADJOURNMENT

On a motion of Vice-Chair Frost, seconded by Commissioner Shoppell and carried by a vote of 3-0 to adjourn the meeting at 7:17 pm.



Gary Pranzo, Chairman



Date